

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL NO. 1:22cr58LG-RHWR

PATRICK DARNELL DANIELS, JR.

**DEFENDANT'S SECOND MOTION TO DISMISS**

COMES NOW the defendant, PATRICK DARNELL DANIELS, JR., and moves this Court to dismiss the Indictment because 18 U.S.C. §922(g)(3) is void for vagueness.

As discussed in the accompanying supporting memorandum, the statute is unconstitutionally vague on its face and “fails to give ordinary people fair notice of the conduct it punishes” and is so “standardless that it invites arbitrary enforcement.” Johnson v. United States, 576 U.S. 591, 595 (2015). The statute gives “no warning about what the law demands[.]” United States v. Davis, 139 S. Ct. 2319, 2323 (2019). The Court should dismiss the indictment because 18 U.S.C. § 922(g)(3) violates the Fifth Amendment.

WHEREFORE, the defendant respectfully requests that his motion be granted and that the Court dismiss the indictment filed against the defendant in this case.

Respectfully submitted this, the 21st day of July, 2022.

OMODARE B. JUPITER  
Federal Public Defender

By: /S/John W. Weber III  
John W. Weber III (MB# 101020)  
Assistant Federal Public Defender  
Southern District of Mississippi  
2510 14<sup>th</sup> Street, Suite 902  
Gulfport, MS 39501  
Phone: (228) 865-1202  
Fax: (228) 867-1907  
Email: john\_weber@fd.org  
*Attorney for Defendant*

**NOTICE OF MOTION**

This Motion will be brought on for hearing as soon as this counsel can be heard.

/s/John W. Weber III  
John W. Weber III

**CERTIFICATE OF SERVICE**

I, John W. Weber III, do hereby certify that I have this day electronically filed the foregoing Motion with the Clerk of the Court using the ECF system which sent notification of such filing to the Assistant United States Attorney Erica Rose.

This the 21st day of July, 2022.

/s/John W. Weber III  
John W. Weber III  
Assistant Federal Public Defender